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THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO (CINCINNATI)
WESTERN DIVISION

OLLEN G. COLBERT, Jr.,

Plaintiff,

vs.

CINERGY, THE CINCINNATI GAS AND ELECTRIC COMPANY.

AND

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS,
LOCAL 1347,**

Defendants.

Case No.: 1:00-CV-909

Judge Susan J. Dlott
Magistrate Judge Timothy J. Hogan

**DUDLEY QUARLES' AFFIDAVIT IN
SUPPORT OF COLBERT'S
MEMORANDUM IN OPPOSITION TO
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL
1347'S MOTION FOR SUMMARY
JUDGMENT and
COLBERT'S MEMORANDUM IN
OPPOSITION TO CINERGY/THE
CINCINNATI GAS AND ELECTRIC
COMPANY'S MOTION FOR SUMMARY
JUDGMENT**

STATE OF OHIO)
)
)SS:
COUNTY OF HAMILTON)

I, Dudley Quarles, undersigned Affiant, having been duly warned and cautioned, do hereby depose and state:

1. I was employed by Cincinnati Gas and Electric Company on or about June 1, 1982.
2. I was retired from The Cincinnati Gas and Electric Company on or about January 15, 2004.

3. I was a dues paying member of the International Brotherhood of Electrical Workers, Local 1347, contemporaneously with my employment with Cincinnati Gas and Electric Company.

4. During the course of my employment with The Cincinnati Gas and Electric Company, I worked at Brecon Heavy Duty Equipment and Repairs District 1994 through 1999.

5. During the time of my assignment at Brecon, I came to know Ollen G. Colbert, Jr., another employee at Brecon.

6. During my time at Brecon Pole Yard, I witnessed the events on which the management meted out punishment.

7. Bricking looked the other way when, Ralph Kroger took company property of the District, had an incident with the Company truck and got a DUI. In contrast I was disciplined for taking company property out of the District.

8. Colbert was supervised by management much more intently than any other employee in the Brecon Pole Yard.

9. Colbert was always subjected to white supervisors who supervised him more than any other employee under management's control.

10. The white supervisors, Bob Morgan, Mike Gilligan Kenny Miller and Donald Bricking, used to ask African American co-workers who served as "lead persons" on particular work crew assignments about Colbert's behavior more than about other employees.

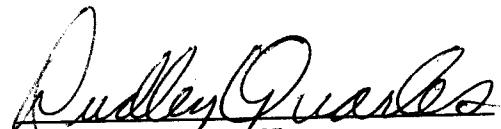
11. If a lead person reported to Bob Morgan, Mike Gilligan, Kenny Miller or Don Bricking that Colbert was not industrious, Colbert would be disciplined based on this third hand knowledge regardless of what Colbert's statement was..

12. I believe that the management of Cinergy/The Cincinnati Gas and Electric Company micromanaged Ollen Colbert in that he was over supervised. For example, Bob Morgan would observe Colbert three or four times a day, and not observe other workers at all.

13. Because of the hostility in the Brecon pole yard generated by managers who felt that they were overlooked, I asked for a transfer to the West End.

14. Had Colbert asked for the transfer to the West End, he might have still be working for CG&E because the employees were not overly scrutinized in the West End group as employees, such as Colbert .was, at Brecon.

AFFIANT FURTHER SAYETH NAUGHT.



Dudley Quarles
Dudley Quarles, Affiant

Sworn to and subscribed before me, this 5th day of March, 2005.



Jane A. Roberts
NOTARY PUBLIC

My Commission expires: 6/22/08



JANE A. ROBERTS
Notary Public, State of Ohio
My Commission Expires 06-22-08

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 29th day of March, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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